

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

**Larry Kapp,
Petitioner**

-vs-

Case No. 1:02-cr-23-1

**United States of America,
Respondent**

JUDGMENT

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that petitioner's motion to vacate, set aside, or correct sentence is **DENIED**.

A certificate of appealability will not issue with respect to petitioner's claim for relief because petitioner has failed to make a substantial showing of the denial of a federal constitutional right remediable in this habeas corpus proceeding.

This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in good faith, and therefore, denies any application by petitioner to proceed in forma pauperis.

Date: October 4, 2005

James Bonini, Clerk

By: s/Mary C. Brown
Mary C. Brown, Deputy Clerk